SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. No.....935...../2006

PETITIONER: Damodar Kashyap S/o Shri Dhanoram Kashyap, Aged 42 year's Working as Asst. Teacher (Tribal Department) at Govt. Middle School, Karahbhata, Jagdalpur, Dist Bastar (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh through the Secretary Tribal Welfare Department D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)

2. Commissioner, Tribal Welfare Department, Pt.Ravishankar University campus, Raipur (C.G.)

3. Asst. Commissioner, Tribal Welfare Department, Jagdalpur Distt. Bastar (C.G.)

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OATH COMMISSIONER APARNA MALVIYA CG2073/96 Bilaspur Chhattisgarh

PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT OF MANDAMUS AND CERTIORARI ETC. OR DIRECTION/ORDER OF LIKE NTURE ETC :-

(49)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 935 of 2007

Petitioners : Damodar Kashyap

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Manoj Chauhan, Advocate for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for State/respondents.

O R D E R

(Passed on this 20th Day of February, 2007)

1. The petitioner was appointed in the year 1987 as Lower Division Teacher on fixed pay scale of Rs. 300/-. After completion of one year probation, they were granted regular pay scale.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed

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by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Amar Sai Ram & others Vs. State of Chhattisgarh & others (W.P. (S) No. 4725/ 2006) by order dated 1.9.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Amar Sai Ram & others Vs. State of Chhattisgarh & others (Supra).

6. In view of that this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge